



## REMARKS

### I. REMARKS AS TO THE DRAWINGS

The Examiner correctly noted a misplaced lead line on FIG. 3, as it appeared in the original application. The label "30" was attached to the slot rather than the front wall. A corrected drawing view is submitted herewith. Pursuant to the provisions of 37 C.F.R. §1.121, the corrected view is labeled "REPLACEMENT SHEET" in its upper margin.

### II. REMARKS AS TO THE CLAIMS

Claim 1 has been amended to more particularly recite the novel and non-obvious aspects of the present invention. Claims 2 and 3 depend from Claim 1, meaning that all the claims have effectively been amended.

#### A. Rejections Under 35 U.S.C. §102(b)

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,174,140 to Schofield (1938). The Schofield device is intended to link two objects together. Examples given are a mop handle being linked to a mop head and a flag pole being linked to a wall bracket.

In order for a section 102(b) reference to be valid as prior art, every element and limitation of the claimed present invention - as literally defined in the claims - must be disclosed within the piece of prior art. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed.Cir. 1985); *Atlas Powder Company v. du Pont*, 750 F.2d 1569 (Fed.Cir. 1984); *American Hospital Supply v. Travenol Labs*, 745 F.2d 1 (Fed.Cir. 1984). The Applicant respectfully submits that the amended claims are not anticipated by Schofield under this standard.

Schofield does disclose a tapered slot interfacing with tapered side walls on an interlocking tang. However, the claims in the present invention recite a first and second step

located proximate the joint between the plate and the tang (please see element "38" in FIG. 4).

These steps bear against the top surface of the receiver and arrest the further downward motion of the tang into the slot. Significantly, the downward motion is arrested just before the tapered side walls of the tang become wedged against the tapered side walls of the slot. As explained in the original application, at Page 6, Lines 5-9:

The interrelationship between side walls **40** and steps **38** is significant to the invention. The geometry is designed so that the two steps **38** will mate against top surface **20** just before the two side walls **40** on tang **36** mate against the two side walls **24** within receiver **14**. Without this feature, the mating of the side walls can produce a wedging effect which firmly lodges tang **36** within receiver **14**.

The present invention is intended primarily for marine applications. The components will be subjected to moisture, salt spray, and other corrosive elements. Thus, the ability to secure the modular holder without a wedging effect causing it to become stuck is significant. As stated in the original disclosure at Page 6, lines 17-19:

When steps **38** are hard against top surface **20**, the two side walls **40** on tang **36** are preferably separated approximately .010 inches from the two side walls **24** within receiver **14**. The two pairs of side walls are close enough to prevent any significant rotation of modular mount **32** within receiver **14**, and to prevent modular mount **32** from separating from receiver **14**. But, modular mount **32** will not become stuck within receiver **14**.

Gravity then holds the mount in place - owing to the wedge's orientation.

Schofield does not disclose a step feature positioned to prevent the tapered tang from becoming wedged in the tapered slot. In fact, Schofield teaches away from such a limitation since the "tang" of Schofield is designed to be wedged quite firmly into the tapered slot. Schofield's FIG. 1 shows "member 17" as a resilient metal stamping with a split running from end to end. This split allows the wedge-shaped wings on "member 17" to compress inward as they are forced into the tapered slot. The two "projections 20"

then snap into corresponding "cut-outs 15" to secure the joint. This design ensures that the "tang" will always be firmly wedged into the tapered slot. If subjected to a marine environment, the two elements of Schofield would soon become fused together.

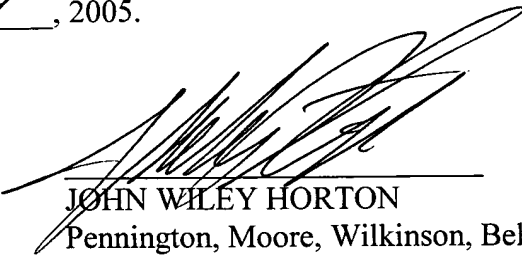
Claim 1 has been amended to more clearly recite the step element and its creation of clearance between the tapering side walls. In view of this amendment, the Applicants now believe Claim 1 to be patentable over the prior art.

B. Rejections Under 35 U.S.C. §103(a)

Claim 3 was rejected as being unpatentable over Schofield in view of U.S. Patent No. 5,321,904 to Benson (1994). It is the Applicants' view that the amendments to Claim 1 overcome this rejection as well. Rod holders as shown in Benson are well known in the prior art and the Applicants will therefore present no separate argument as to Claim 3, which should stand or fall with Claim 1.

In view of the amendments and these remarks, the Applicants believe that the claims are in condition for allowance. Accordingly, the Applicants respectfully request that the Examiner reconsider the rejections.

Respectfully submitted this 26<sup>th</sup> day of JULY, 2005.



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## **IN THE DRAWINGS**

Please enter the revised version of FIG. 3 (labeled "REPLACEMENT SHEET").